

UNITED STATES DISTRICT COURT
for the
District of Arizona

9/11/17
USA
United States of America

v.

Nabor Cruz-Gonzalez

(A201 280 662)

Defendant

)
)
) Case No. 17-7482MJ
)
)
)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 10, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), a felony, and Title 8, U.S.C. § 1325(a)(2) a class B misdemeanor, an offense described as follows:

See Attachment A Incorporated By Reference Herein


I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CEB
REVIEWED BY: Charles E. Bailey, P.S. for AUSA Amy Brown


☒ Continued on the attached sheet.


Complainant's signature
Steven T. Case,
Deportation Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: September 13, 2017

City and state: Phoenix, Arizona


Judge's signature
Bridget S. Bade,
United States Magistrate Judge
Printed name and title

ATTACHMENT A

Count 1

On September 10, 2017, Nabor Cruz-Gonzalez, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near El Paso, Texas, on or about April 26, 2012, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), a felony.

Count 2

On September 10, 2017, at or near Phoenix, in the District of Arizona, Nabor Cruz-Gonzalez, an alien, did elude the examination or inspection by immigration officers in violation of Title 8, United States Code, Section 1325(a)(2), a class B misdemeanor.

STATEMENT OF PROBABLE CAUSE


I, Steven T. Case, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On September 10, 2017, Nabor Cruz-Gonzalez was booked into the Maricopa County Jail (MCJ) by the Phoenix Police Department on local charges. While incarcerated at the MCJ, Cruz-Gonzalez was examined by ICE Officer M. Kinter who determined him to be a Mexican citizen, illegally present in the United States. On the same date, an immigration detainer was lodged with the MCJ. On September 11, 2017, Cruz-Gonzalez was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Cruz-Gonzalez was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed
3. Immigration history checks revealed Nabor Cruz-Gonzalez to be a citizen of Mexico and a previously deported criminal alien. Cruz-Gonzalez was removed from the United States to Mexico at or near El Paso, Texas, on or about April 26, 2012, pursuant to the reinstatement of an order of removal issued by an immigration official. There is no record of Cruz-Gonzalez in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department

of Homeland Security to return to the United States after his removal. Cruz-Gonzalez's immigration history was matched to him by electronic fingerprint comparison.

4. Furthermore, there is no record of Nabor Cruz-Gonzalez in any Department of Homeland Security database to suggest that after his last removal from the United States he entered the United States at an official Port of Entry. Had Cruz-Gonzalez presented himself at a Port of Entry, Department of Homeland Security records likely would reveal that information. Accordingly, your affiant believes that Cruz-Gonzalez entered the United States at a location not designated as an official Port of Entry, and thereby eluded examination and inspection by Immigration Officers of the United States. Cruz-Gonzalez's immigration history was matched to him by electronic fingerprint comparison.
5. On September 11, 2017, Nabor Cruz-Gonzalez was advised of his constitutional rights. Cruz-Gonzalez freely and willingly acknowledged his rights and declined to make any further statements
6. For these reasons, this affiant submits that there is probable cause to believe that on or about September 10, 2017, Nabor Cruz-Gonzalez, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near El Paso, Texas, on or about April 26, 2012, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a) and

on or about September 10, 2017, at or near Phoenix, in the District of Arizona, Nabor Cruz-Gonzalez, an alien, did elude the examination or inspection by immigration officers in violation of Title 8, United States Code, Section 1325(a)(2).



Steven T. Case,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 13th day of September, 2017.



Bridget S. Bade,
United States Magistrate Judge